

(b) **ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.**—The Secretary shall prescribe requirements for the eligibility of United States commercial providers for loan guarantees under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan guaranteed under this section.

(c) **LIMITATION ON LOANS GUARANTEED.**—The Secretary may not guarantee a loan for a United States commercial provider under this section unless the Secretary determines that credit would not otherwise be reasonably available at the time of the guarantee for the commercial reusable in-space transportation service or system to be produced utilizing the proceeds of the loan.

(d) **CREDIT SUBSIDY.**—

(1) **COLLECTION REQUIRED.**—The Secretary shall collect from each United States commercial provider receiving a loan guarantee under this section an amount equal to the amount, as determined by the Secretary, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan guarantee.

(2) **PERIODIC DISBURSEMENTS.**—In the case of a loan guarantee in which proceeds of the loan are disbursed over time, the Secretary shall collect the amount required under this subsection on a pro rata basis, as determined by the Secretary, at the time of each disbursement.

(e) **OTHER TERMS AND CONDITIONS.**—

(1) **PROHIBITION ON SUBORDINATION.**—A loan guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(2) **RESTRICTION ON INCOME.**—A loan guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

(B) provide significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded.

(3) **TREATMENT OF GUARANTEE.**—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(4) **OTHER TERMS AND CONDITIONS.**—The Secretary may establish any other terms and conditions for a guarantee of a loan under this section, as the Secretary considers appropriate to protect the financial interests of the United States.

(f) **ENFORCEMENT OF RIGHTS.**—

(1) **IN GENERAL.**—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan guarantee under this section.

(2) **FORBEARANCE.**—The Attorney General may, with the approval of the parties concerned, forbear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to the United States.

(3) **UTILIZATION OF PROPERTY.**—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) **CREDIT INSTRUMENTS.**—

(1) **AUTHORITY TO ISSUE INSTRUMENTS.**—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or system, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed \$1,500,000,000, but only to the extent that new budget authority to cover such costs is provided in appropriations Acts or authority is otherwise provided in appropriations Acts.

(2) **CREDIT SUBSIDY.**—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990.

(3) **CONSTRUCTION.**—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

#### SEC. 1304. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Defense.

(2) **COMMERCIAL PROVIDER.**—The term “commercial provider” means any person or entity providing commercial reusable in-orbit space transportation services or systems, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) **IN-SPACE TRANSPORTATION SERVICES.**—The term “in-space transportation services” means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) **IN-SPACE TRANSPORTATION SYSTEM.**—The term “in-space transportation system” means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) **IN-SPACE TRANSPORTATION VEHICLE.**—The term “in-space transportation vehicle” means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(6) **UNITED STATES COMMERCIAL PROVIDER.**—The term “United States commercial provider” means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

**SA 3989.** Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

#### SEC. 1065. SENSE OF THE SENATE REGARDING AMTRAK.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The terrorist attacks of September 11, 2001, shut down airports across the Nation and the National Railroad Passenger Corporation (Amtrak) was called upon to transport displaced air travelers and deliver emergency relief supplies to ground zero in New York and Washington D.C.

(2) Thousands of Americans nationwide turned to Amtrak in the weeks following September 11, 2001, for their intercity travel needs.

(3) Nearly 23,000,000 Americans depend on Amtrak for their recreational and business travel needs every year.

(4) Amtrak transports 61,000 intercity passengers each day.

(5) Amtrak provides access to commuter rail operators which serve 80,000,000 commuters each year.

(6) Amtrak has only received \$25,000,000,000 in Federal funding over the past 30 years in comparison with \$750,000,000,000 spent on highways and aviation.

(7) The airlines received \$15,000,000,000 to avoid an industrywide shutdown following the terrorist attacks of September 11, 2001.

(8) The airlines received \$150,000,000 this year in Federal funding to provide air service to 80 cities where passenger revenues were insufficient to support the provision of service.

(9) The Amtrak Reform and Accountability Act of 1997 authorized \$5,160,000,000 in Federal funding and Amtrak only received \$2,860,000,000.

(10) The Secretary of Transportation, Norman Y. Mineta, in his address to the United States Chamber of Commerce on June 20, 2002, stated that, “In a long career in Congress and now as Secretary of Transportation, I have not wavered from an important conviction: intercity passenger rail is an important part of the Nation’s transportation system.”

(11) No passenger rail system in the world operates without substantial government subsidies.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) The President and the Department of Transportation should act immediately to provide \$200,000,000 in loan guarantees to prevent a systemwide shutdown of the National Railroad Corporation (Amtrak);

(2) it is vital to the United States national security that Amtrak continues to operate as the sole provider of intercity passenger rail service in the United States;

(3) it is not necessary that Amtrak operate as a for-profit business venture; and

(4) it is necessary that Congress and the Administration work together to provide \$1,200,000,000 for Amtrak in fiscal year 2003.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on the Department of Energy’s, DOE’s, Environmental Management, EM, Program.

The hearing will explore DOE’s progress in implementing its accelerated cleanup initiative and the changes

DOE has proposed to the EM science and technology program.

The hearing will be held on Thursday, July 11, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should e-mail it to [amanda\\_goldman@energy.senate.gov](mailto:amanda_goldman@energy.senate.gov) or fax it to 202-224-9026.

For further information, please contact Jonathan Epstein at 202-224-3357 or John Kotek at 202-224-6385.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Tuesday, June 25, 2002. The purpose of this hearing will be to consider nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 25, 2002, at 9:30 a.m. on reauthorization of the National Transportation Safety Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 25, 2002, at 9:30 a.m. to hold a hearing to conduct oversight of the Environmental Protection Agency Inspector General's actions with respect to the Ombudsman and evaluate S. 606, a bill to provide additional authority to the Office of the Ombudsman of EPA.

The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 2002 at 10:15 a.m. to hold a nominations hearing.

### Agenda

Nominees: Mr. James Jeffrey, of Virginia, to be Ambassador to the Republic of Albania; Mr. Michael Klosson, of Maryland, to be Ambassador to the Republic of Cyprus; Mr. James Gadsden, of Maryland, to be Ambassador to the Republic of Iceland; and Mr. Randolph

Bell, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 2002 at 2:30 p.m. to hold a hearing on the Peace Corps.

### Agenda

#### Witnesses

Panel 1: The Honorable Gaddi Vasquez, Director, The Peace Corps, Washington, DC.

Panel 2: The Honorable Mark Schneider, Former Director of the Peace Corps, Vice President, International Crisis Group, Washington, DC.

Panel 3—Returned Peace Corps Volunteers: Mr. Dane Smith, Peace Corps volunteer in Ethiopia 1963–65, President, National Peace Corps Association, Washington, DC; Mrs. Barbara Ferris, Volunteer in Morocco (1980–1982), Women in Development Coordinator (1987–1993), Peace Corps, Washington, DC; and Mr. John Coyne Pelham, Volunteer in Ethiopia/Eritrea (1962–1964), NYC Regional Manager (1994–2000), Peace Corps, New York City, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the reauthorization of the Office of Education Research and Improvement during the session of the Senate on Tuesday, June 25, 2002, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Submitted on Public Health, be authorized to meet for a hearing on "The Crisis in Children's Dental Health: A Silent Epidemic" during the session of the Senate on Tuesday, June 25, 2002, at 2:30 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space and the House Subcommittee on Science and Space be authorized to meet on Tuesday, June 25, 2002, at 1 p.m. in 2318 Rayburn Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Protecting the Homeland: The President's Proposal for Reorganizing Our Homeland Security Infrastructure" on Tuesday, June 25, 2002, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

### Agenda

#### Tentative witness list

Panel I: The Honorable Warren B. Rudman, Co-Chair, United States Commission on National Security/21st Century, Washington, DC; the Honorable James S. Gilmore III, Former Governor of the Commonwealth of Virginia and Chairman, Advisory Panel to Assess the Capabilities for Domestic Response to Terrorism Involving Weapons of Mass Destruction, Richmond, VA; and the Honorable David M. Walker, Comptroller General, General Accounting Office, Washington, DC.

Panel II: Paul C. Light, Vice President and Director, Governmental Studies, the Brookings Institution, Washington, DC; Ivo H. Daalder, Senior Fellow, Foreign Policy Studies, the Brookings Institution, Washington, DC; and Ivan Eland, Director, Defense Policy Studies, CATO Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ THE FIRST TIME—H.R. 3971

Mr. REID. I believe that H.R. 3971, which was recently received from the House, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 3971) to provide for independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or turnover.

Mr. REID. I now ask for its second reading but object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

## VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 430, S. 2621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2621) to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems.